

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

22-cv-3897 (LAK)

STRAIGHTPATH VENTURE PARTNERS LLC, et al.,

Defendants.
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ORDER

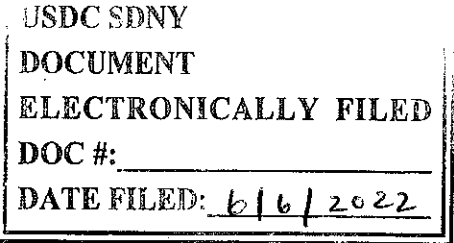
LEWIS A. KAPLAN, *District Judge*.

In addition to the candidates proposed by the parties, the Court is considering for appointment as receiver Hon. Melanie Cyganowski, former Chief Judge of the United States Bankruptcy Court for the Eastern District of New York and now a member of the firm Otterbourg P.C. A copy of her resume is attached.

For your information, the Court has been advised by Judge Cyganowski that the SEC approached her some time ago concerning service as a receiver in this case and requested that she run conflicts and provide a proposal. An entity called Flexport Capital LLC is a client of Otterbourg, and the name "Flexport" appeared on a list of names provided by the SEC to Judge Cyganowski. Judge Cyganowski does not know whether Flexport Capital LLC is the same "Flexport" that was on the SEC's list but was advised that it would not be a conflict.

If appointed, Judge Cyganowski and Otterbourg attorneys and professionals that assist her with this engagement would bill at their hourly rates. Judge Cyganowski's current hourly billing rate is \$1,470/hour. The standard hourly billing rates (subject to annual adjustments) for the Otterbourg attorneys who might work on this matter range from \$695 to \$1,235 for Members of the Firm and Of Counsel; \$295 to \$860 for Associates; and \$345 for Paralegals. Otterbourg would also utilize less expensive junior attorneys whenever possible, under the supervision of more experienced attorneys, but at a lower rate.

Judge Cyganowski is prepared to maintain her current hourly rate for the duration of the case, although the Otterbourg hourly rates may increase in accordance with its typical annual review in October. As an additional public service accommodation, for her own time spent on this matter, Judge Cyganowski is prepared to apply a 25 percent public interest discount to the aggregate



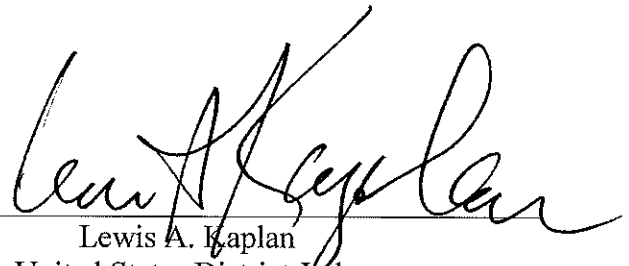
fees that she bills and Otterbourg will discount the total Otterbourg fees billed by 10 percent. These accommodations are similar to those voluntarily given in her last appointment by the SEC in the *Platinum Funds* receivership case. In that case, Judge Cyganowski agreed to maintain her hourly billing rate at the rate that was in effect at the time of appointment and, additionally, she agreed to reduce her aggregate fees by 20 percent and Otterbourg's aggregate fees by 10 percent. There were additional accommodations with respect to specific litigation matters in the *Platinum Funds* case.

Otterbourg would also bill for its expenses that are permitted to be charged to a receivership estate in accordance with the SEC Guidelines.

Any objections to the appointment of Judge Cyganowski shall be filed on or before June 10, 2022.

SO ORDERED.

Dated: June 6, 2022



Lewis A. Kaplan
United States District Judge



MELANIE L. CYGANOWSKI
Member of the Firm
Otterbourg P.C.

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Otterbourg P.C., 230 Park Avenue, New York, NY 10169-0075. Member of the Firm. June 16, 2008 to present. Chair of Bankruptcy & Restructuring practice area. Bankruptcy law and Bankruptcy litigation; counsel to Official Committees of Unsecured Creditors; fiduciary appointments; mediation; arbitration; general commercial, federal court and complex litigation; expert witness; legal ethics.

Greenberg Traurig, LLP, The MetLife Building, 200 Park Avenue, New York, NY 10166. Shareholder and Chair of the New York Office Bankruptcy Litigation Practice. March 1, 2007 to June 2, 2008. Bankruptcy law and Bankruptcy litigation; mediation; legal ethics.

United States Bankruptcy Judge, Eastern District of New York, United States Bankruptcy Court, The Long Island Federal Courthouse, 290 Federal Plaza, Central Islip, NY 11722. Appointed on March 1, 1993 through February 28, 2007. Appointed as Chief Judge of the Bankruptcy Court on November 29, 2005. Presided over thousands of commercial and individual bankruptcy cases and published numerous opinions; mediations.

St. John's University, School of Law, 8000 Utopia Parkway, Jamaica, NY 11439. Adjunct Professor (part-time), LL.M. Program in Bankruptcy. January 2001 to present. Bankruptcy Ethics, Fraud & Malpractice; Chapter 11 Corporate Reorganization; Interrelationship of Domestic Relations & Bankruptcy; Bankruptcy Litigation.

Milbank, Tweed, Hadley & McCloy, 1 Chase Manhattan Plaza, New York, NY 10005. Senior Attorney, Litigation. May, 1989 to February, 1993. General commercial law; contract, partnership and business law disputes; federal court and complex litigation; Bankruptcy law and lender liability litigation.

Sullivan & Cromwell, 125 Broad, New York, NY 10004. Litigation Associate. 1982 to May, 1989. Federal court and complex litigation; general commercial, insurance and contract law disputes; mergers & acquisition litigation; securities regulatory compliance and securities litigation.

United States District Court, Southern District of New York, Foley Square, New York, NY 10007. Law Clerk, Honorable Charles L. Brieant; 1981 to 1982.

Hodgson, Russ, Andrews, Wood & Goodyear, Buffalo, NY. Summer Associate, 1980.

Broadway-Fillmore Area Council, Inc., Buffalo, NY. Director, Individual Referral Program funded by CETA Title I; 1978 to 1979. Procured and administered grants exceeding \$800,000 annually.

City of Buffalo, Departments of Community Development and Human Resources, Buffalo, NY. Program Planning Coordinator, Planner & Consultant, 1974 to 1978. Coordinated East Buffalo's comprehensive development plan and its designation as the first nationally recognized SBA loan program area and the implementation of \$1 million EDA commercial beautification program.



EDUCATION

Faculty of Law & Jurisprudence, State University of New York at Buffalo. J.D., *magna cum laude*, May, 1981. Sea Grant Fellow, 1979. Award of Distinction in Law and Public Education, 1981. **Buffalo Law Review:** Senior Editor, 1980-81; Associate, 1979-80. Co-author, *Survey: The Buffalo Polish-American Legal Experience*, **Buffalo Law Review**, Vol. 30, No. 1 (1981). **Buffalo Law Journal**, Abstract Writer, 1979-80.

Cornell University, Department of Anthropology, Ithaca, NY Graduate studies in Ph.D. program in urban development, 1975.

Grinnell College, Grinnell, Iowa. A.B., with Honors in Anthropology, May 1974. Grinnell Honor Scholar.

AWARDS/HONORS

Best Lawyers in America: Bankruptcy and Creditor Rights/Insolvency and Reorganization Law (2021)
Best Lawyers in America: Commercial Litigation (2021)
Americas Women in Business Law Award: Best in Restructuring and Insolvency (2020)
Lawdragon 500 Leading Global Restructuring & Insolvency Lawyers (2020)
Lawdragon 500 Leading U.S. Bankruptcy & Restructuring Lawyers (2020)
New York Law Journal: Distinguished Leaders (November 2019)
New York Institute of Credit, Women's Division: The Honorable Cecelia Goetz Award, 2019 Recipient (February 2019)
Crain's New York inaugural "Leading Women Lawyers in New York" list (2018)
National Law Journal: Top 75 Outstanding Women Lawyers in US (2015)
New York Institute of Credit, Future Leaders Division: The Honorable Burton R. Lifland Mentor of the Year Award, 2016 Recipient (2016)
Super Lawyers: Top 50 Women Attorneys in New York Metro Area (2012--)
Super Lawyers: Top 100 Attorneys in New York Metro Area (2016--)
Super Lawyers, Bankruptcy (2007--)
The Best Lawyers in America in Business Reorganization and Commercial Litigation (2012--)
Fellow, American College of Bankruptcy (2014--)
Fellow, Litigation Counsel of America (2016--)
Fellow, American Bar Foundation (2004--)
Fellow, New York State Bar Foundation (2004--)
Turnaround Award Healthcare: Interfaith Medical Center (2015)
United States Marshal Special Recognition Award, Crest Hollow Country Club, Westbury, NY (2007)
New York Institute of Credit, Trustee's Award, Hilton Hotel, New York, NY (2007)
New York State Bar Association, Commercial & Federal Litigation Section, "Hail to the Chiefs" Award, Lincoln Center, New York, NY (2006)
Turnaround Management Association Award, Melville, NY (2006)
Alumni Wall of Fame, East Leyden High School, Franklin Park, IL (1998)
Citizen of the Year Award in Law, Am-Pol Eagle, Buffalo, NY (1994)

ADMISSIONS

Admitted to Practice: Supreme Court of the United States; United States Court of Appeals for the Second Circuit and Third Circuit; United States District Courts for the Eastern, Southern and Western Districts of New York; United States District Court for the District of Columbia; United States District Court for the District of Connecticut; United States District Court for the District of New Jersey; United States Court of Federal Claims; Courts of the State of New York



Appointed to the Mediation Registers of the United States Bankruptcy Courts for the Southern District of New York, New Jersey and Delaware

Appointed by the Chief Judge of the Southern District of New York as Member of the Grievance Committee (2016--)

ASSOCIATIONS & MEMBERSHIPS

American Bankruptcy Institute

American Bar Association

Bar Association of the City of New York: Alternative Dispute Committee (2011-2015) and Secretary (2012-2015); **Judiciary Committee** (2008-2010); **Bankruptcy Committee** (2009-2010) (2016-2020)

Federal Bar Council: Board of Trustees (2015-2020) and Secretary (2017-2020)

National Association of Federal Equity Receivers (NAFER), Full Member (2018--)

National Conference of Bankruptcy Judges: member (1993--)

New York Institute of Credit: Member & Vice President of Executive Committee of the Board of Directors (2015--); **Board of Directors** (2007--), **Vice President, NYC Women's Division** (2007--)

New York State-Federal Judicial Council: Member (2016--)

New York State Bar Association: Commercial & Federal Litigation Section: Chair, Nomination Committee (1993--); **Treasurer** (1992-1993); **Chair, Committee on Federal Judiciary** (1990-1992); **Member of the Executive Committee** (1989--); **Member of the ADR Committee** (2013--); **Member of the Committee on Federal Legislative Priorities** (2012-2016)

Norton Journal of Bankruptcy Law & Practice, Member, Editorial Advisory Board (Thomson Reuters) (2015--)

Second Circuit Federal-State Advisory Council: member (2016--)

Tina's Wish Leadership Council Member (2014--) (Foundation for ovarian cancer research)

Turnaround Management Association

FIDUCIARY APPOINTMENTS

Receiverships:

- *Securities and Exchange Commission v. Platinum Management (NY) LLC, et al.*, Case No. 16-6848 (United States District Court for the Eastern District of New York) (Receiver)
- *Ross v. Thomas*, Case No. 09-cv-05631 (SDNY) (Receiver)
- *JPMorgan Chase Bank, N.A. v. Global Capital Services LLC*, 11-cv-01648 (SDNY) (Receiver)
- *Bank of America, N.A., as Trustee, et al., v. PCV St Owner LP, et al.*, 10 Civ. 1178 (SDNY) (Referee) (aka Stuyvesant/Peter Cooper Village foreclosure)

Special Master/Discovery:

- *Neogenix Oncology, Inc. v. Peter Gordon, et al.*, Case No. 14-CV-04427 (EDNY) (Special Master Discovery)
- *In re Vivendi*, Case No. 5571 (SDNY) (Special Master) (Securities class action)
- *In re Orion HealthCorp., Inc., et al.*, Case No. 18-71748 (AST) (Bankr. EDNY) (Court Appointed Expert, Discovery)
- *Picard v. Merkin*, Adv. Pro. No. 09-1182 (Bankr. SDNY) (Arbitrator of e-discovery disputes)

Health Care Appointments:

- *Interfaith Medical Center*, CRO and Temporary Operator (NYS Commissioner of Health Appointment)
- *In re Promise Healthcare Group, LLC, et al.*, Case No. 18-12491 (CSS) (Bankr. Del.) (Patient Care Ombudsman)
- *In re 4 West Holdings LLC (a/k/a Orianna Health Systems, et al.)*, Case No. 18-30777 (Bankr. ND Texas) (Patient Care Ombudsman)
- *In re 21st Century Oncology Holdings, Inc.*, Case No. 17-22770 (Bankr. SDNY) (Patient Care Ombudsman)
- *California Proton Treatment Center, LLC*, Case No. 17-10477 (Bankr. DE) (Patient Care Ombudsman)
- *Place for Achieving Total Health Medical, P.C.*, Case No. 17-13478 (MKV) (Bankr. SDNY) (Chapter 11 Trustee)
- *Mill River Foundation, Inc.*, Case No. 12-50306 (Bankr. D. CT) (Chapter 11 & 7 Trustee)



- *Batavia Nursing Home, LLC*, Case No. 11-13223 (Bankr. WDNY) (Chapter 11 Trustee)
- *Geriatric Realty Corp.*, Case No. 11-13225 (Bankr. WDNY) (Chapter 11 Trustee)

Auditor:

- *U.S. Trustee v. Capital One*, Adv. Pro. No. 08-012720 (Bankr. D. Mass) (Auditor)

Trustee Appointments:

- *Biolitec, Inc.*, Case No. 13-11157 (DHS) (Bankr. NJ) (Chapter 11 & 7 Trustee)
- [Healthcare trustee appointments noted above]

SIGNIFICANT MEDIATIONS

- *In re General Motors Corp.* (Member of Panel Mediators), Case No. 09-50026 (REG) (Bankr. SDNY)
- *In re Lehman Brothers Holding Inc. et al.* (Member of Panel Mediators), Case No. 08-13555 (Bankr. SDNY)
- *In re Intrep National Radio Sales Inc., et al.* (Member of Panel Mediators), Case No. 08-11079 (RDO) (Bankr. SDNY)
- *In re Madoff/BMLIS* (Member of Panel Mediators), Case No. 08-01789 (BRL) (Bankr. SDNY)
- *In re Metaldyne* (Member of Panel Mediators), Case No. 11-02000 (MG) (Bankr. SDNY)
- *In re Quebecor World Litigation Trust* (Member of Panel Mediators) (Bankr. SDNY)
- *In re ADOC Holdings, Inc., et al. (f/k/a Coda Holdings, Inc.)*, Case No. 13-11153 (CSS) (Bankr. DE), *Tony Bulchak, et al., v. ADOC Holdings, Inc., et al.*, Adv. Pro. No. 13-51031 (CSS) (Bankr. DE)
- *Alliance Bancorp Mediations, including First Collateral Services Inc.*, Adv. Pro. No. 09-51408 (Bankr. DE)
- *Charter Communications/Law Debenture Trust Co.*, Adv. Pro. No. 11-01267 (JMP) (Bankr. SDNY)
- *Collavino Construction Company, et al., ads Port Authority of NY/NJ*, Case Nos. 14-12908 and 15-10344 (SCC) (Bankr. SDNY)
- *DTZ Rockwood Mediations*, Adv. Pro. No. 09-1263 (SMB) (Bankr. SDNY)
- *Genergy v. Port Authority of NY/NJ*, Case No. 10-05271 (REG) (Bankr. SDNY)
- *GII Industries, Inc. v. City of New York*, Adv. Pro. No. 08-01045 (Bankr. EDNY)
- *Grace/State of New York Mediations* (Bankr. EDNY)
- *In re FAH Liquidating Corp. (f/k/a Fisker Automotive Holdings, Inc.): Sven Etzelberger v. Fisker Automotive Holdings, Inc., et al.*, Adv. Pro. No. 13-52517 (KG) (Bankr. DE)
- *Lindenwood Associates LLC, as Liquidating Trustee of Lighthouse Global Partners LLC & Lighthouse Financial Group LLC v. Halpern & Associates LLC*, Adv. Pro. 11-02781(SMB) (Bankr. SDNY)
- *In re 2607 Jerome N, LLC, et al.*, Case No. 13-10034 (REG) (Bankr. SDNY)
- *In re 261 E. 78 Realty Corp.*, Case No. 11-15624 (REG), *261 E. 78 Realty Corp. v. MB Financial Corp.*, Adv. Proc. 12-01118, 13-01000 (REG) (Bankr. SDNY)
- *In re 192 N. Main, LLC*, Case No. 806-70368-REG) (Bankr. EDNY)
- *McCord v. Countrywide Financial Corp.*, Adv. Pro. No. 08-01215 (Bankr. EDNY)
- *In re Malese 18 Corp.*, Case No. 02-80586 (DTE) (Bankr. EDNY)
- *In re Metro Fuel Corp., et al.*, Case Nos. 12-46913, et al., (ESS) (Bankr. EDNY)
- *Peter Mochnal v. EOS Airlines, Inc.*, Adv. Pro. No. 08-08279 (Bankr. SDNY)
- *In re Newbury Common Associates, LLC*, Case No. 15-12507 (LSS) (Bankr. DE)
- *In re Quad-C Funding LLC.*, Case No. 13-11725 (ALG) (Bankr. SDNY)
- *In re SageCrest II LLC*, Case No. 08-50754 (Bankr. D. CT)
- *Sheldrake Estates Condominiums, et al. & Sheldrake Lofts LLC v. Village of Mamaroneck*, Adv. Pro. No. 10-08424 (Bankr. SDNY)
- *Sonix Medical Resources, Inc., et al.*, Case No. 09-77781 (DTE), *Joshua Rizack, as the Plan Administrator, et al., v. Soni, et al.*, Adv. Pro. No. 11-09440 (AST)
- *Southside Mediations*, 09-43575 (ESS) (Bankr. EDNY)
- *Wells Fargo Century, Inc. v. Safdeye*, Adv. Pro. No. 05-01417 (Bankr. EDNY)

SIGNIFICANT CLIENT REPRESENTATIONS

- *In re Purdue Pharma LP*, Case No. 19-23649-rdd (Counsel to the Ad Hoc Committee of Governmental Entities)



- *In re: General Motors LLC Ignition Switch Litigation – MDL*, Case No. 1:14-md-0253-JMF (SDNY) (Member of Executive Committee of MDL)
- *In re Blue Dog*, Chapter 11 Case No. 15-10694-mew (SDNY) (Debtor's Counsel)
- *In re Gramercy Group Inc.*, Chapter 11 Case No. 19-73622-las (EDNY) (Debtor's Counsel)
- *In re Navillus Tile, Inc., dba Navillus Contracting*, Chapter 11 Case No. 17-13162 (SHL) (Bankr. SDNY) (Debtors' Special Counsel)
- *In re New York Crane & Equipment Corp., et al.*, Chapter 11 Case No. 16-40043, et. seq. (CEC) (Bankr. EDNY) (Debtors' counsel)
- *In re Quirky, Inc., et al.*, No. 15-12596 (MG) (Bankr. SDNY) (Committee of Unsecured Creditors)
- *In re Simon Posen*, No. 15-12859 (MEW) (Bankr. SDNY) (Debtor's counsel)
- *In re Sammy Eljamal*, No. 15-22872 (RDD) (Bankr. SDNY) (Committee of Unsecured Creditors)
- *In re Downey Financial Corp.*, No. 08-13041 (Bankr. D. Del.) (FDIC)
- *In re DPH Holdings Corp.*, No.10-4170-bk (2d Cir.) (State of Michigan Workers' Compensation Insurance Agency and State of Michigan Funds Administration)
- *In re Escada (USA) Inc.*, Case No. 09-15008 (Bkcty SDNY) (Committee of Unsecured Creditors)
- *In re General Motors Corp.*, Case No. 09-50026 (REG) (Bkcty SDNY) (Ally Financial Corp.)
- *In re Greatwide Logistic Services*, Case No. 08-12430 (Bkcty D. Del.) (Committee of Unsecured Creditors)
- *Guaranty Financial Group Inc. v. FDIC*, 10-cv-00980 (ND Tex.) (FDIC)
- *Claybrook v. United States*, 10-cv-00734 (Court of Federal Claims) (FDIC)

EXPERT TESTIMONY

- *The Federal Mogul Asbestos Personal Injury Trust v. The Federal Mogul Limited (formerly named T&N PLC, et al.*, Claim No. 2012 Follo 1093 (High Court of Justice, Queen's Bench Division, Commercial Division) (United Kingdom)
- *Fairfield Sentry Limited (In Liquidation)*, Claim No: BVIHC (COM) 133/2011 (High Court of Justice, British Virgin Islands, Commercial Division)
- *In re ICP Strategic Credit Income Fund Ltd and In re ICP Strategic Credit Income Master Fund Ltd.*, Cause Nos. FSD 82 & FSD 269 of 2010 (Grand Court of the Cayman Islands, Financial Services Division)
- *In re Inigma Technology Co., Ltd and In re Section 216 of the Companies Ordinance, Cap. 32 of the Laws of Hong Kong Special Administrative Region*, No. 224 of 2013 (High Court of the Hong Kong Special Administrative Region, Court of First Instance, Companies Winding-Up (Hong Kong)
- *In re SphinX Group of Companies*, Cause No. 258 of 2006 (Grand Court of the Cayman Islands, Financial Services Division)
- *In re Vitro, S.A.B. de C.V.*, (Federal District Court for Civil and Labor Matters for the State of Nuevo León, the United Mexican States)
- *Vornado v. Stop 'n Shop*, Index No. 105819/03 (Supreme Court of the State of New York, New York County)
- *Miller v. Kluger, Kaplan, Silverman, Katzen & Levine, et al.*, Case No. 32-194-Y-00500-11 (American Arbitration Association, Miami, FL)
- *Aris Mardrossian and ARL LLC, et al., v. Miller & Canby* (American Arbitration Association, MD)
- *Standard Chartered Bank of New York re Lehman Brothers Holdings, Inc.* (Philippines)
- *US Bank, NA, et al., v. 2150 Joshua's Path PLLC, et al.*, Case No. 13-1598 (GRB) (EDNY)

WRITTEN OPINIONS & SIGNIFICANT DECISIONS

During the period in which I served as United States Bankruptcy Judge for the Eastern District of New York (1993-2007), I presided over thousands of bankruptcy cases, including the following:

- *In re Telcar Group, Inc.*, 365 B.R. 345 (Bankr. E.D.N.Y. Feb. 13, 2007)
- *In re R.F. Cunningham & Co., Inc.*, 47 Bankr. Ct. Dec. 158, 61 U.C.C. Rep. Serv. 2d (Callaghan) 642 (Bankr. E.D.N.Y., Dec. 21, 2006)
- *In re R.F. Cunningham & Co., Inc.*, 355 B.R. 408 (Bankr. E.D.N.Y. 2006)
- *In re DiGeronimo*, 354 B.R. 625 (Bankr. E.D.N.Y. 2006)



- *In re Total Time Solutions LLC*, 806-71631 (Bankr. E.D.N.Y. 2005)
- *In re Brunswick Hospital Center, Inc.*, 805-88168 (Bankr. E.D.N.Y. 2005)
- *In re The Motorcycle Excellence Group, Inc.*, 805-70089 (Bankr. E.D.N.Y. 2005)
- *In re New Times Securities Services, Inc.*, 318 B.R. 753 (Bankr. E.D.N.Y. 2004)
- *In re Acclaim Entertainment, Inc.*, 804-85595 (Bankr. E.D.N.Y. 2004)
- *In re David Blatt a/k/a Jay Black*, 805-94851 (Bankr. E.D.N.Y. 2005)
- *In re Developmental Disabilities Institute, Inc.*, 801-80920 (Bankr. E.D.N.Y. 2001)
- *In re Bay Harbour Associates LP*, 899-85379 (Bankr. E.D.N.Y. 1999)
- *In re QC Piping Installations, Inc.*, 225 B.R. 553 (Bankr. E.D.N.Y. 1998)
- *In re Sanders-Langsam Tobacco Co.*, 224 B.R. 1 (Bankr. E.D.N.Y. 1998)
- *In re Corporate Food Management, Inc.*, 223 B.R. 635 (Bankr. E.D.N.Y. 1998)
- *In re PG Realty Co.*, 220 B.R. 773 (Bankr. E.D.N.Y. 1998)
- *In re Gurney's Inn Corp. Liquidating Trust*, 215 B.R. 659 (Bankr. E.D.N.Y. 1997)
- *In re Koula Enterprises, Ltd.*, 197 B.R. 753 (Bankr. E.D.N.Y. 1996)
- *In re Braniff International Airlines, Inc.*, 164 B.R. 820 (Bankr. E.D.N.Y. 1994)
- *In re IBI Security Service, Inc.*, 158 B.R. 1 (Bankr. E.D.N.Y. 1993)

ARTICLES & CONFERENCE PRESENTATIONS

"Foreign Investment in US Distressed Companies" presented through Expert Webcast, together with Jason Klm (BlankRomse), Mike Corrigan (Convergence), Elaine Carey (FTI Consulting), Alex Kasdan (Convergence) (May 2021)

"2021 Outlook" by Christopher Patalinghug, Turnarounds & Workouts, News for People Tracking Distressed Businesses, Vol. 35, no. 1 (January 2021)

"Protecting Privilege in Cyberspace, the Age of COVID-19 and Beyond" co-authored with Erik B. Weinick and Aisha Khan, published in New York State Bar Association, NY Litigator, vol. 25, no. 3 page 11 (Fall 2020)

"First Day Orders and Getting the Case Started" presented at National Association of Attorneys General Conference: Bankruptcy from a Governmental Perspective, together with Judge Michelle Harner (MDB), Andy Vara (US DOJ, Trustee's Office) and Lisa Beckerman (Akin Gump Strauss Hauer & Feld LLP) November (2020)

"PLI Studio Briefing Real Estate Series" presented with with PLI, together with Manny Farach, Jennifer Rodburg and Kenneth Min (October 2020)

"Bankruptcy Primer for General Counsel, C-Suite and Non-Bankruptcy Practitioners" presented through Expert Webcast, together with Alex Kasdan (DelMorgan & Co.), Rachel Albanese (DLA Piper), Don Navarro (KPN Onesource) (August 2020)

"Lawyering Amid COVID-19: A New Normal," co-authored with Michael A. Pantzer, published in New York State Bar Association, Virtual Lawyering: A Practical Guide, page 235 (August 2020).

"Mediating with a Higher Power: Mediation of Disputes with Governments and Governmental Agencies, to be presented at the ABI Winter Leadership Conference, together with Susan A. Berson, Esq. (Berson Law Group), Ted A. Berkowitz, Esq. (Morritt Hock & Hamroff), David Beress (Hilco Streambank) and Margarita Padilla, Esq. (CA OAG), Rancho Palos Verdes (December 2019).

"Sales," working lunch program to be presented at the ABI Views from the Bench Conference, together with Paul Basta, Esq. (Paul Weiss), Judge Jeffrey W. Cavender (ND GA), Judge Sean H. Lane (SDNY), Judge Karen Specie (ND FL) and Martin Bienenstock, Esq. (Proskauer), Washington, DC (September 2019).

"Practical Ethics for Government Attorneys, presented at the National Association of Attorneys General Conference, together with Gill Geldreic (TN OAG) and Zach Mosner (WA OAG, ret.), Santa Fe (September 2019).



"Let's Be Clear – Presenting Your Case in Commercial Litigation," presented at the 23rd Annual Bankruptcy Conference, The Capital Region Bankruptcy Bar Association, together with David Capriotti, Esq. (Harris Beach), Cooperstown (November 2018).

"Interface Between Bankruptcy and Matrimonial Law: Keeping it Together During the Split," presented at the 23rd Annual Bankruptcy Conference, The Capital Region Bankruptcy Bar Association, together with Hon. Colleen Brown (Chief U.S. Bankruptcy Judge, VT), Cooperstown (November 2018).

"Protecting Your Assets: Advanced Strategies on Sales and Insurance Issues," presented at the National Association of Federal Equity Receivers (NAFER) 7th Annual Conference, together with Marion A. Hecht (CliftonLarsonAllen LLP), Anne C. McKinley (SEC), Jonathan E. Perlman (Genovese, Joblove & Battista) and Todd Wohl (Braun Company), Chicago (October 2018).

"Thinking Ahead to Get Paid; Financial Assurances, Drafting Protections into Your Documents," presented at the National Association of Attorneys General Conference, together with Steve Sakamoto-Wengel (MD OAG) and Tracy Essig (Essig Law Firm), Columbus OH (October 2018).

"View from the Bench – Asset Recovery in a Globalized World," presented at the Asset Recovery Americas Conference with Hon. Ona Wang (Magistrate Judge, SDNY), New York City (September 2018).

"Healthcare - Will It Be The Next Big Meltdown Like Retail?," presented at the New York Institute of Credit, together with Kenneth A. Rosen (Board Member of RWJ Barnabas Health and Member of Lowenstein Sandler), Mark Claster (President of Carl Marks & Co, Managing Member of Carl Marks Advisors and Board Chair of Northwell Health), Mark Herbers (Senior Director, Alix Partners) and Suzanne Koenig (President SAK Management Services), New York City (September 2018).

"Physiotherapy: Recent Decision of Interest on the Amount Recoverable for Fraudulent Transfer Avoidance Liability," co-authored with Jennifer S. Feeney and Robert C. Yan, presented at ABI Bankruptcy Conference, NYC (May 2018).

"Expert Q&A on Creditors' Committees in the 2018 Bankruptcy Climate," published in Thomson Reuters Journal (Spring 2018).

"When is a Consignment Not a Consignment," co-authored with Robert C. Yan, published in the ABF Journal (February 2018).

"Recent Retail Bankruptcies: An Overview," co-authored with Robert C. Yan, and presented at the ABI Views from the Bench Conference, panelist together with David Pollack (Ballard Spahr), Judge Sean Lane (SDNY), Judge Wendelin Lipp (MD) and Judge Kevin Carey (Del.), Washington, D.C. (October 2017)

"Just Who Foots the Bill: Section 506(c) and the Secured Lender Surcharge," co-authored with Lloyd M. Green, Norton Journal of Bankruptcy Law & Practice, vol. 26, no. 4 (2017).

"The Involuntary Petition: Is It a Sword or a Shield? Should It be Utilized or Avoided?," panelist together with Scott L. Hazan, Peter Knox (Nestle USA) and Curtis Marshall (Coca Cola), CRF Conference, New Orleans, LA (March 2017).

"Bankruptcy Litigation panel – updates and discussions regarding fraudulent transfers, the split over § 546(e) safe harbors (*Physiotherapy*, *Tribune*, *Madoff*, *Meritt Management*), 10-year reach-back periods (*Kipnis*), the reinstatement of unsecured creditors' intentional fraudulent conveyance claims and the ruling that the intent of the CEO can be imputed to the company (*Lyondell*), the finding that substantive consolidation does not augment the trustee's § 544(b) avoiding powers by allowing the trustee to rely on predicate creditors from another estate (*Petters*), and the ruling that access to a credit line rebuts unreasonably small capital claims



(*SemCrude*),” panelist together with Chief Judge Carla E. Craig, Philip Bentley (Kramer Levin) and Mark P. Kronfeld (Tennenbaum Capital Partners), ABI Bankruptcy Conference, New York City (May 2017).

“Collision at the Courthouse: Discussion of parallel/overlapping civil and/or criminal enforcement actions (Ethics),” panelist together with Alistaire Bambach (SEC) and Alex Lipman (Brown Rudnick), Brooklyn, NY (April 2017).

“Views from the Bench: When A Judge Suggests Mediation: Case and Mediator Selection,” faculty and keynote luncheon speaker at The ABI/St. John’s Bankruptcy Mediation Training Program, which is a collaboration among the American Bankruptcy Institute, St. John’s Center for Bankruptcy Studies, and St. John’s Hugh L. Carey Center for Dispute Resolution, New York City (December 2016).

“Fluctuating Valuation in Chapter 11: Managing Expectations and Outcomes Amidst Changing Fulcrum Points,” panelist together with Jack Butler (Birch Lake Holdings, LP), William Q. Derrough (Moelis & Co.), Randall S. Eisenberg (AlixPartners, LLP) and James P. Seery, Jr. (River Birch Capital, LLC), Beard Group Twenty-Third Annual Distressed Investing 2016 (November 2016).

“Mediation in the Federal Courts,” panelist together with John Lundin (Schlam Stone), Rebecca Price (SDNY Mediation), Gary Shaffer (Shaffer Mediation) and Robyn Weinstein (EDNY Mediation), The Bar of the City of New York (June 2016).

“Bankruptcy Litigation Panel, with focus on e-discovery limitations, litigating with common interests and settlements,” panelist together with Michael Luskin (Luskin Stern), Dion Hayes (McGuireWoods), David Hillman (Schulte Roth) and Judge Sean H. Lane (USBJ, SDNY), ABI New York City (May 2016).

“Beware the Traps: Ethical and Fiduciary Issues for Committee Members and Professionals,” panelist together with Judge Mary Walrath (USBJ, Del), Jeffrey Pomerantz (Pachulski Stang), Brent Weisenberg (Ballard Spahr) and Mark Felger (Cozen), ABI Spring 2016, Washington, DC (April 2016).

“Is Bankruptcy A Game-Changer for Embattled Providers?”, panelist together with Judge Nancy H. Lord (USBJ, EDNY), Samuel R. Maizel (Dentons), Karen Cordry (National Ass’n Attorneys General) and Judy W. Strobos (Health & Human Services), Medicare & Medicaid Payment Conference sponsored by the American Health Lawyers Ass’n, Baltimore, MD (April 2016).

“The Demise of Equitable Disallowance of Claims,” co-authored with Lloyd M. Green, Norton Journal of Bankruptcy Law & Practice, vol. 24, no. 6, page 571 (2015)

“Judicial Voices on Transition: From the Bench to the Bar and Beyond,” Moderated judicial panel of thirteen Bankruptcy Judges, New York Institute of Credit Women’s Division, Union League Club, New York City (November 2015)

“From the Bench to the Bar and Back,” panelist together with Judges Arthur Gonzalez (Ret.), James Peck (Ret.), Allan Gropper (Ret.), James Garrity and Robert Gerber, American College of Bankruptcy, New York City (October 2015)

“Selected Issues In Healthcare and Non-Profit Cases,” Moderated judicial panel of Judges Carla E. Craig (USBJ, EDNY), Nancy Lord (USBJ, EDNY), Sean Lane (USBJ, SDNY) and Robert Mayer (USBJ, VA), and facilitator Irving Walker (Cole Schotz), and presented article at ABI Views From the Bench, Washington, DC (October 2015)

“Selected Issues in Healthcare Bankruptcy Cases: Medicare Provider Agreements, Executory Contracts, Regulatory Issues, Interfaith Medical Center Case Study,” panelist together with Hal Morris (Office of Texas Attorney General) and Scott Davis (Grant Thornton), and presented article at Annual Meeting of National Association of Attorney Generals, Seattle, WA (October 2015)

“To Mediate or Not, That is the Quest?,” panelist together with Mark E. Felger, Dion W. Hayes, Ray T. Lyons and Claudia Z. Springer, and presented article at ABI Mid-Atlantic Bankruptcy Workshop.